

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MAURICE NICHOLAS GATEWOOD,

11 v.
12 Petitioner,

13 STATE OF WASHINGTON,
14 Respondent.

CASE NO. C21-1719-JCC

ORDER

15 This matter comes before the Court on the Report and Recommendation (“R&R”) of the
16 Honorable David W. Christel, United States Magistrate Judge (Dkt. No. 7) and the objections
17 thereto (Dkt. No. 8). In the R&R, Judge Creatura recommends Petitioner’s habeas petition (Dkt.
18 No. 1) be dismissed without prejudice. (Dkt. No. 7 at 1.)

19 Petitioner is detained at the King County Jail. (Dkt. 1 at 16.) In his objections, he
20 realleges the same constitutional violations related to search and seizure at the time of his arrest
21 on state charges. (*Compare* Dkt. No. 1, *with* Dkt. No. 8.) The objections do not address Judge
22 Christel’s primary conclusion: Because the pending state prosecution implicates important state
23 interests, the *Younger*¹ abstention doctrine applies, requiring a dismissal of the petition without
24 prejudice. (Dkt. No. 7 at 2–3 (citing *Kelly v. Robinson*, 479 U.S. 36, 49 (1986) (citation
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¹ *Younger v. Harris*, 401 U.S. 37 (1971).

1 omitted.) The Court agrees with this conclusion.

2 Accordingly, the Court ORDERS:

- 3 1. Plaintiff's objections (Dkt. No. 8) are OVERRULED.
- 4 2. The R&R (Dkt. No. 7) is ADOPTED.
- 5 3. Petitioner's federal habeas petition (Dkt. No. 7) is DENIED and this action is
- 6 DISMISSED without prejudice.
- 7 4. A certificate of appealability is DENIED.
- 8 5. All pending motions are DENIED as moot.
- 9 6. The Clerk is DIRECTED to close this case and send copies of this order to Petitioner and
- 10 to the Honorable David W. Christel.

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12 DATED this 4th day of March 2022.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE